

Customer No.: 31561  
Application No.: 10/065,679  
Docket No.: 8696-US-PA

### **REMARKS**

#### **Present Status of the Application**

The Office Action rejected claims 1-9 and 16. Specifically, the Office Action rejected claims 1, 3-9 and 16 under 35 U.S.C. 102(b) as being anticipated by Yashiro et al. (U. S. Patent 5,238,722; hereinafter Yshiro). The Office Action also rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Yashiro in view of Miyamoto et al. (U. S. Patent 6,636,477; hereinafter Miyamoto). Applicants have amended claim 1 and added claim 17. After entry of foregoing amendments, claims 1-9 and 17 remain pending in the present application, and reconsideration of those claims is respectfully requested.

#### **Discussion of Office Action Rejections**

The Office Action rejected claims 1, 3-9, and 16 under 35 U.S.C. 102(b) as being anticipated by Yashiro. The Office Action also rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Yashiro in view of Miyamoto et al.. Applicants respectfully traverse the rejections for at least the reasons set for below.

1. With respect to newly amended independent claim 1, Applicants have specifically defined that the optical correction layer is only on one side of the dye material layer opposite to the substrate. It is also believed that the amendment is just to improve clarity and does not raise new issue.

Customer No.: 31561  
Application No.: 10/065,679  
Docket No.: 8696-US-PA

Here, it should be noted that the optical correction layer of the present invention is to improve the track signal for the design using the dye recording layer. Actually, the optical correction layer, in physical mechanism, produces the *optical destruction* on at least the 1<sup>st</sup> order diffraction, so as to allow the tracking signal to be easily identified. The 0<sup>th</sup> order diffraction beam is the main signal used in tracking.

In other words, two properties of the reflectivity and the tracking efficiency are not directly related. Applicants respectfully disagree that the Office Action considers the reflectivity improvement to be the same as the improvement of tracking.

Therefore, the optical correction layer is not used to improve the reflectivity and is not the undercoating layer 4 and 5 of Yashiro.

2. In re Yashiro, as shown in TABLE 1 (col. 5, lines 26-40), the dye recording layer (last row) is compared with the inorganic recording layer in other cases.

In Fig. 2, as well known by the ordinary skilled artisans, since the inorganic recording layer 2 is the metal material, the thermal conductivity is relative high. This is not good for recording information into the recording layer. In order to properly keep the heat, the layers 5 and 4 are necessary to be formed on *both sides of the recording layer* to isolate the heat in the inorganic recording layer. In other words, Yashiro (col. 3, liens 55-61) states the purpose of the layers 4 and 5, in which the layers 4 and 5 are rather used to protect the recording layer. The improvement of the reflectivity does not directly imply the improvement of the tracking error. In table 1, the reflectivity does not show the significantly improvement ether in comparing with

Customer No.: 31561  
Application No.: 10/065,679  
Docket No.: 8696-US-PA

the dye (last row).

3. In comparison the present invention with Yashiro, the optical correction layer on the outer side of the recording layer is not disclosed by Yashiro. Also and, the present invention is directed to the dye recording material layer, which is not the inorganic recording layer of Yashiro. Yashiro also fails to disclose the optical correction layer on the dye-material recording layer to improve the tracking signal, wherein the 1<sup>st</sup> order diffraction light beam is more specifically corrected.

For at least the foregoing reasons, Applicants respectfully submits that independent claim 1 patently define over the prior art references, and should be allowed. For at least the same reasons, dependent claims 2-9 and 17 patently define over the prior art references as well.

Customer No.: 31561  
Application No.: 10/065,679  
Docket No.: 8696-US-PA

### CONCLUSION

For at least the foregoing reasons, it is believed that all the pending claims 1-9 and 16-17 of the invention patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date :

Nov. 30, 2004

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